

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KAREN KRAMER, Individually and on Behalf
of All Others Similarly Situated,

Plaintiff,

v.

REALPAGE, INC.; GREYSTAR REAL
ESTATE PARTNERS, LLC; LINCOLN
PROPERTY CO.; CUSHMAN &
WAKEFIELD, INC.; FPI MANAGEMENT,
INC.; RPM LIVING, LLC; BH
MANAGEMENT SERVICES, LLC;
MIDAMERICA APARTMENT
COMMUNITIES, INC.; MORGAN
PROPERTIES, LLC; AVENUE5
RESIDENTIAL, LLC; BOZZUTO
MANAGEMENT COMPANY; AVALONBAY
COMMUNITIES, INC.; HIGHMARK
RESIDENTIAL, LLC; EQUITY
RESIDENTIAL; ESSEX PROPERTY
TRUST, INC; ZRS MANAGEMENT, LLC;
CAMDEN PROPERTY TRUST; UDR, INC.;
CONAM MANAGEMENT CORPORATION;
THRIVE COMMUNITIES MANAGEMENT,
LLC; SECURITY PROPERTIES INC.; CWS
APARTMENT HOMES, LLC; PROMETHEUS
REAL ESTATE GROUP; SARES REGIS
GROUP OPERATING, INC.; and MISSION
ROCK RESIDENTIAL, LLC,

Defendants.

No. 2:23-cv-00198-RSL

STIPULATED MOTION AND
ORDER SUSPENDING
DEADLINE FOR CERTAIN
DEFENDANTS TO RESPOND TO
COMPLAINT

Pursuant to Local Civil Rules 7(d)(1), 7(j), and 10(g), Plaintiff Karen Kramer (“Plaintiff”) and Defendants RealPage, Inc., Lincoln Property Co., ZRS Management, LLC, Cushman & Wakefield, Inc., FPI Management, Inc., RPM Living, LLC, BH Management Services, LLC, MidAmerica Apartment Communities, Inc., Avenue5 Residential, LLC, Bozzuto Management Company, AvalonBay Communities, Inc., Highmark Residential, LLC, Equity Residential, Essex Property Trust, Inc, Camden Property Trust, UDR, Inc., ConAm Management Corporation, Thrive Communities Management, LLC, Security Properties Inc., CWS Apartment Homes, LLC, Prometheus Real Estate Group, Sares Regis Group Operating, Inc., and Mission Rock Residential, LLC, (collectively, the “Stipulating Defendants”), by and through their respective counsel, hereby stipulate as follows:

WHEREAS, Plaintiff filed a Class Action Complaint (the “Complaint”) on February 10, 2023. ECF No. 1.

WHEREAS, the Stipulating Defendants agreed to waive service in the above-captioned action on or about February 17, 2023 or will waive service.

WHEREAS, the Complaint asserts claims under Section 1 of the Sherman Act based on the alleged use of RealPage, Inc.’s revenue management software.

WHEREAS, as of the date of this filing, the parties are aware that one or more of the Stipulating Defendants are named in multiple other lawsuits, in District Courts in Arizona, California, Colorado, the District of Columbia, Florida, Massachusetts, Tennessee, Texas, Virginia, and other cases in Washington, asserting claims under Section 1 of the Sherman Act based on the alleged use of RealPage, Inc.’s revenue management software.

WHEREAS, on January 4, 2023, certain Stipulating Defendants and defendants named in other actions filed a motion pursuant to 28 U.S.C. §1407 before the U.S. Judicial Panel on Multidistrict Litigation to transfer this case and others to the U.S. District Court for the Northern District of Texas for consolidated pretrial proceedings;

WHEREAS, Plaintiff and the Stipulating Defendants have conferred and agreed that party and judicial efficiency would be best served by suspending, for a short period of time, the

1 deadline for the Stipulating Defendants to answer, move to dismiss, or otherwise respond to the
2 Complaint.

3 WHEREAS, similar orders have been entered in other related cases subject to
4 Defendants' MDL Petition, including: *Weaver v. RealPage, Inc. et al.*, No. 1:22-cv-03224 (D.
5 Colo.), *Navarro v. RealPage, Inc. et al.*, No. 2:22-cv-01552 (W.D. Wash.), *Alvarez et al. v.*
6 *RealPage, Inc. et al.*, No. 2:22-cv-01617 (W.D. Wash.), *Cherry et al. v. RealPage, Inc. et al.*,
7 No. 2:22-cv-01618 (W.D. Wash.), *Morgan et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01712
8 (W.D. Wash.), and *Armas et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01726 (W.D. Wash.);

9 WHEREAS, Plaintiff and the Stipulating Defendants have conferred and agree that the
10 deadline for the Stipulating Defendants to answer, move to dismiss, or otherwise respond to the
11 Complaint should be suspended and should be set on the same date as the deadline ultimately
12 established for *Alvarez et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01617 (W.D. Wash.), *Cherry*
13 *et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01618 (W.D. Wash.), *Morgan et al. v. RealPage,*
14 *Inc. et al.*, No. 2:22-cv-01712 (W.D. Wash.), and *Armas et al. v. RealPage, Inc. et al.*, No.
15 2:22-cv-01726 (W.D. Wash.).

16 WHEREAS, Plaintiff and the Stipulating Defendants have agreed to file a joint status
17 report with the Court by April 21, 2023.

18 In making this stipulation, the Stipulating Defendants do not waive, in this or any other
19 action, any (i) defenses or arguments for dismissal that may be available under Fed. R. Civ. P.
20 12; (ii) affirmative defenses under Fed. R. Civ. P. 8, including defenses based on class action
21 waivers; (iii) other statutory or common law defenses that may be available; or (iv) right to
22 seek or oppose any reassignment, transfer, or consolidated alternatives, including to seek
23 arbitration. The Stipulating Defendants expressly reserve their rights to raise any such defenses
24 (or any other defense) in response to either the Complaint or any original, amended, or
25 consolidated complaint that may be filed in this or any other action.

26 THEREFORE, Plaintiff and the Stipulating Defendants stipulate and agree to suspend
27 the deadline for the Stipulating Defendants to answer, move to dismiss, or otherwise respond to

the Complaint and request that the Court enter the subjoined order pursuant to this stipulation.

STIPULATED to this 10th day of March, 2023.

We certify that this memorandum contains 686 words, in compliance with the Local Civil Rules.

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ORDER

THIS MATTER came before the Court on the parties' Stipulated Motion to Suspend the Deadline for Certain Defendants to Respond to the Complaint. Now, therefore, IT IS HEREBY ORDERED THAT:

The deadline for Defendants RealPage, Inc., Lincoln Property Co., Cushman & Wakefield, Inc., FPI Management, Inc., RPM Living, LLC, BH Management Services, LLC, MidAmerica Apartment Communities, Inc., ZRS Management, LLC, Avenue5 Residential, LLC, Bozzuto Management Company, AvalonBay Communities, Inc., Highmark Residential, LLC, Equity Residential, Essex Property Trust, Inc, Camden Property Trust, UDR, Inc., ConAm Management Corporation, Thrive Communities Management, LLC, Security Properties Inc., CWS Apartment Homes, LLC, Prometheus Real Estate Group, Sares Regis Group Operating, Inc., and Mission Rock Residential, LLC to answer, move to dismiss, or otherwise respond to the Complaint is hereby suspended and shall be set on the same date as the deadline ultimately established for *Alvarez et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01617 (W.D. Wash.), *Cherry et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01618 (W.D. Wash.), *Morgan et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01712 (W.D. Wash.), and *Armas et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01726 (W.D. Wash.).

Plaintiff and Defendants RealPage, Inc., Lincoln Property Co., Cushman & Wakefield, Inc., FPI Management, Inc., RPM Living, LLC, BH Management Services, LLC, MidAmerica Apartment Communities, Inc., ZRS Management, LLC, Avenue5 Residential, LLC, Bozzuto Management Company, AvalonBay Communities, Inc., Highmark Residential, LLC, Equity Residential, Essex Property Trust, Inc, Camden Property Trust, UDR, Inc., ConAm Management Corporation, Thrive Communities Management, LLC, Security Properties Inc., CWS Apartment Homes, LLC, Prometheus Real Estate Group, Sares Regis Group Operating,

1 Inc., and Mission Rock Residential, LLC shall file a joint status report with the Court by April
2 21, 2023.

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4 Dated this 14th day of March, 2023.

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6 Robert S. Lasnik
7 United States District Judge
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